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**MEMO ENDORSED**

November 9, 2007

Hon. Richard M. Berman  
United States District Court Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Foundling Hospital, Inc. v. Riverbay Corporation  
07 CV 2846 (RMB)

*The Court expects a settlement  
of all issues. The Nov 16 date  
will ~~not~~ be changed + all  
counsel + principals are  
required to attend.*

SO ORDERED:

Date: 11/12/07

*Richard M. Berman*  
Richard M. Berman, U.S.D.J.

Dear Judge Berman:

We represent the plaintiff in the above action.

Regrettably, the parties have been unable to come to a settlement in this matter. Even though the plaintiff has moved the tenant that was offensive to the defendant, the defendant still will not agree to any sort of settlement in spite of considerable efforts by counsel for the parties and the New York State Office of Mental Retardation and Developmental Disabilities.

Consequently, our application for a preliminary injunction will have to be tried. A conference has been scheduled before Your Honor for November 16, 2007. However, defendant's counsel has advised us that he is engaged in an emergency proceeding on that date in State Supreme Court. We support his request for an adjournment of this conference.

Sincerely,

*[Signature]*  
Robert L. Schonfeld

cc: Gerald Kahn, Esq.  
Robert Mascali, Esq.

USDC SDNY  
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DOC #:  
DATE FILED: 11/12/07